

FIRST REGULAR SESSION

SENATE BILL NO. 243

94TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR MAYER.

Read 1st time January 10, 2007, and ordered printed.

0738S.011

TERRY L. SPIELER, Secretary.

AN ACT

To repeal sections 167.031, 167.034, 167.051, and 167.052, RSMo, and to enact in lieu thereof three new sections relating to compulsory attendance for school age children.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Sections 167.031, 167.034, 167.051, and 167.052, RSMo, are
2 repealed and three new sections enacted in lieu thereof, to be known as sections
3 167.031, 167.034, and 167.051, to read as follows:

167.031. 1. Every parent, guardian or other person in this state having
2 charge, control or custody of a child not enrolled in a public, private, parochial,
3 parish school or full-time equivalent attendance in a combination of such schools
4 and between the ages of seven [years and the compulsory attendance age for the
5 district] **and seventeen years** is responsible for enrolling the child in a program
6 of academic instruction which complies with subsection 2 of this section. Any
7 parent, guardian or other person who enrolls a child between the ages of five and
8 seven years in a public school program of academic instruction shall cause such
9 child to attend the academic program on a regular basis, according to this
10 section. Nonattendance by such child shall cause such parent, guardian or other
11 responsible person to be in violation of the provisions of section 167.061, except
12 as provided by this section. A parent, guardian or other person in this state
13 having charge, control, or custody of a child between the ages of seven [years of
14 age and the compulsory attendance age for the district] **and seventeen years**
15 shall cause the child to attend regularly some public, private, parochial, parish,

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

16 home school or a combination of such schools not less than the entire school term
17 of the school which the child attends; except that:

18 (1) A child who, to the satisfaction of the superintendent of public schools
19 of the district in which he resides, or if there is no superintendent then the chief
20 school officer, is determined to be mentally or physically incapacitated may be
21 excused from attendance at school for the full time required, or any part thereof;

22 (2) A child between fourteen **and seventeen** years of age [and the
23 compulsory attendance age for the district] may be excused from attendance at
24 school for the full time required, or any part thereof, by the superintendent of
25 public schools of the district, or if there is none then by a court of competent
26 jurisdiction, when legal employment has been obtained by the child and found to
27 be desirable, and after the parents or guardian of the child have been advised of
28 the pending action; or

29 (3) A child between five and seven years of age shall be excused from
30 attendance at school if a parent, guardian or other person having charge, control
31 or custody of the child makes a written request that the child be dropped from the
32 school's rolls.

33 2. (1) As used in sections 167.031 to 167.071, a "home school" is a school,
34 whether incorporated or unincorporated, that:

35 (a) Has as its primary purpose the provision of private or religious-based
36 instruction;

37 (b) Enrolls pupils between the ages of seven [years and the compulsory
38 attendance age for the district] **and seventeen years**, of which no more than
39 four are unrelated by affinity or consanguinity in the third degree; and

40 (c) Does not charge or receive consideration in the form of tuition, fees, or
41 other remuneration in a genuine and fair exchange for provision of instruction.

42 (2) As evidence that a child is receiving regular instruction, the parent
43 shall, except as otherwise provided in this subsection:

44 (a) Maintain the following records:

45 a. A plan book, diary, or other written record indicating subjects taught
46 and activities engaged in; and

47 b. A portfolio of samples of the child's academic work; and

48 c. A record of evaluations of the child's academic progress; or

49 d. Other written, or credible evidence equivalent to subparagraphs a., b.
50 and c.; and

51 (b) Offer at least one thousand hours of instruction, at least six hundred

52 hours of which will be in reading, language arts, mathematics, social studies and
53 science or academic courses that are related to the aforementioned subject areas
54 and consonant with the pupil's age and ability. At least four hundred of the six
55 hundred hours shall occur at the regular home school location.

56 (3) The requirements of subdivision (2) of this subsection shall not apply
57 to any pupil above the age of sixteen years.

58 3. Nothing in this section shall require a private, parochial, parish or
59 home school to include in its curriculum any concept, topic, or practice in conflict
60 with the school's religious doctrines or to exclude from its curriculum any concept,
61 topic, or practice consistent with the school's religious doctrines. Any other
62 provision of the law to the contrary notwithstanding, all departments or agencies
63 of the state of Missouri shall be prohibited from dictating through rule, regulation
64 or other device any statewide curriculum for private, parochial, parish or home
65 schools.

66 4. A school year begins on the first day of July and ends on the thirtieth
67 day of June following.

68 5. The production by a parent of a daily log showing that a home school
69 has a course of instruction which satisfies the requirements of this section or[, in
70 the case of a pupil over the age of sixteen years who attended a metropolitan
71 school district the previous year,] a written statement that the pupil is attending
72 home school in compliance with this section shall be a defense to any prosecution
73 under this section and to any charge or action for educational neglect brought
74 pursuant to chapter 210, RSMo.

75 6. [As used in sections 167.031 to 167.051, the term "compulsory
76 attendance age for the district" shall mean:

77 (1) Seventeen years of age for any metropolitan school district for which
78 the school board adopts a resolution to establish such compulsory attendance age;
79 provided that such resolution shall take effect no earlier than the school year
80 next following the school year during which the resolution is adopted; and

81 (2) Sixteen years of age in all other cases.

82 The school board of a metropolitan school district for which the compulsory
83 attendance age is seventeen years may adopt a resolution to lower the compulsory
84 attendance age to sixteen years; provided that such resolution shall take effect
85 no earlier than the school year next following the school year during which the
86 resolution is adopted.

87 7.] The provisions of this section shall apply to any parent, guardian, or

88 other person in this state having charge, control, or custody of a child between
89 the ages of fifteen and eighteen if such child has not received a high school
90 diploma or its equivalent and a court order has been issued as to such child under
91 section 211.034, RSMo.

167.034. 1. In any city not within a county where a child under the age
2 of [seventeen] **eighteen** required to attend school under section 167.031
3 accumulates fifteen or more absences during any one school year, the child's
4 school district shall report such absences to the division of family services,
5 children's division, within ten business days of the fifteenth day of absence. Such
6 notification, which shall be in written form and retained in the student's school
7 records, shall include:

- 8 (1) The student's full name and parents' or guardians' full names;
- 9 (2) The addresses and phone numbers of the student and parents or
10 guardians;
- 11 (3) The student's date of birth and age;
- 12 (4) The student's current school and grade level;
- 13 (5) The student's current grades for all classes in which the student is
14 enrolled; and
- 15 (6) The total number of days missed and specific days missed from school.

16 2. Upon receipt of a report of the absences of a child under this section,
17 the children's division shall notify the child's parent or guardian that the child
18 has accumulated fifteen or more absences and such report may be subject to the
19 educational neglect provisions under section 210.145, RSMo. The notification
20 required under this section is required regardless of whether a student's parent
21 or guardian contacted the school and approved of the absences.

167.051. 1. If a school board establishes part-time schools or classes for
2 children under [seventeen] **eighteen** years of age, lawfully engaged in any
3 regular employment, every parent, guardian or other person having charge,
4 control or custody of such a child shall cause the child to attend the school not
5 less than four hours a week between the hours of eight o'clock in the morning and
6 five o'clock in the evening during the school year of the part-time classes.

7 2. All children who are under eighteen years of age, who have not
8 completed the elementary school course in the public schools of Missouri, or its
9 equivalent, and who are not attending regularly any day school shall be required
10 to attend regularly the part-time classes not less than four hours a week between
11 the hours of eight o'clock in the morning and five o'clock in the afternoon during

12 the entire year of the part-time classes.

2 [167.052. The provisions of sections 167.031 and 167.051
3 affecting a metropolitan school district shall be effective for the
4 school year beginning 2007-08 and shall terminate after the school
year ending 2011-12.]

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Unofficial

Bill

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